

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**MARIE ELIZABETH LASATER, aka  
MARIE ELIZABETH MCCOY, aka  
MARIE ELIZABETH SCHNIEBER, aka  
MARIE ELIZABETH GARLAND**

Registered Nurse License No. 436499

Respondent

Case No. 2011-686

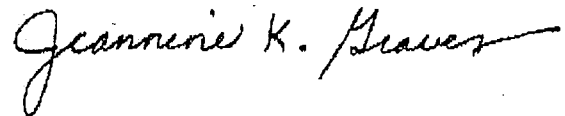
OAH No. 2011030859

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **August 26, 2011**.

IT IS SO ORDERED **July 27, 2011**.



\_\_\_\_\_  
President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SUSANA A. GONZALES  
Deputy Attorney General  
4 State Bar No. 253027  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2221  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-686

13 **MARIE ELIZABETH LASATER, a.k.a.**  
14 **MARIE ELIZABETH MCCOY, a.k.a.**  
15 **MARIE ELIZABETH SCHNIEBER, a.k.a.**  
16 **MARIE ELIZABETH GARLAND**  
17 **14786 HWY 63**  
18 **Licking, MO 65542-8274**  
19 **Registered Nurse License No. 436499**

OAH No. 2011030859

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

Respondent.

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
21 entitled proceedings that the following matters are true:

PARTIES

22 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
23 Registered Nursing. She brought this action solely in her official capacity and is represented in  
24 this matter by Kamala D. Harris, Attorney General of the State of California, by Susana A.  
25 Gonzales, Deputy Attorney General.

26 2. Respondent Marie Elizabeth Lasater, also known as Marie Elizabeth McCoy, also  
27 known as Marie Elizabeth Schnieber, also known as Marie Elizabeth Garland (Respondent) is  
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1 representing herself in this proceeding and has chosen not to exercise her right to be represented  
2 by counsel.

3 3. On or about March 31, 1989, the Board of Registered Nursing issued Registered  
4 Nurse License No. 436499 to Marie Elizabeth Lasater, also known as Marie Elizabeth McCoy,  
5 also known as Marie Elizabeth Schnieber, also known as Marie Elizabeth Garland (Respondent).  
6 The Registered Nurse License expired on March 31, 2011, and has not been renewed.

7 JURISDICTION

8 4. Accusation No. 2011-686 was filed before the Board of Registered Nursing (Board),  
9 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
10 and all other statutorily required documents were properly served on Respondent on February 7,  
11 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of  
12 Accusation No. 2011-686 is attached as exhibit A and incorporated herein by reference.

13 ADVISEMENT AND WAIVERS

14 5. Respondent has carefully read, and understands the charges and allegations in  
15 Accusation No. 2011-686. Respondent has also carefully read, and understands the effects of this  
16 Stipulated Settlement and Disciplinary Order.

17 6. Respondent is fully aware of her legal rights in this matter, including the right to a  
18 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
19 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
20 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
21 compel the attendance of witnesses and the production of documents; the right to reconsideration  
22 and court review of an adverse decision; and all other rights accorded by the California  
23 Administrative Procedure Act and other applicable laws.

24 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
25 every right set forth above.

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9. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board of Registered Nursing (Board's) probationary terms as set forth in the Disciplinary Order below.

10. Respondent Marie Elizabeth Lasater, also known as Marie Elizabeth McCoy, also known as Marie Elizabeth Schnieber, also known as Marie Elizabeth Garland has never been the subject of any disciplinary action. She is admitting responsibility at an early stage in the proceedings.

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
3 writing executed by an authorized representative of each of the parties.

4 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
5 the Board may, without further notice or formal proceeding, issue and enter the following  
6 Disciplinary Order:

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Registered Nurse License No. 436499 issued to  
9 Respondent Marie Elizabeth Lasater, also known as Marie Elizabeth McCoy, also known as  
10 Marie Elizabeth Schnieber, also known as Marie Elizabeth Garland (Respondent) is revoked.  
11 However, the revocation is stayed and Respondent is placed on probation for three (3) years on  
12 the following terms and conditions.

13 **Severability Clause.** Each condition of probation contained herein is a separate and  
14 distinct condition. If any condition of this Order, or any application thereof, is declared  
15 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
16 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
17 and enforceable to the fullest extent permitted by law.

18 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A  
19 full and detailed account of any and all violations of law shall be reported by Respondent to the  
20 Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
21 compliance with this condition, Respondent shall submit completed fingerprint forms and  
22 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
23 as part of the licensure application process.

24 **Criminal Court Orders:** If Respondent is under criminal court orders, including  
25 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
26 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

27 **2. Comply with the Board's Probation Program.** Respondent shall fully  
28 comply with the conditions of the Probation Program established by the Board and cooperate with

1 representatives of the Board in its monitoring and investigation of the Respondent's compliance  
2 with the Board's Probation Program. Respondent shall inform the Board in writing within no  
3 more than 15 days of any address change and shall at all times maintain an active, current license  
4 status with the Board, including during any period of suspension.

5 Upon successful completion of probation, Respondent's license shall be fully restored.

6 3. **Report in Person.** Respondent, during the period of probation, shall  
7 appear in person at interviews/meetings as directed by the Board or its designated representatives.

8 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency  
9 or practice as a registered nurse outside of California shall not apply toward a reduction of this  
10 probation time period. Respondent's probation is tolled, if and when she resides outside of  
11 California. Respondent must provide written notice to the Board within 15 days of any change of  
12 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
13 returning to practice in this state.

14 Respondent shall provide a list of all states and territories where she has ever been licensed  
15 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
16 information regarding the status of each license and any changes in such license status during the  
17 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing  
18 license during the term of probation.

19 5. **Submit Written Reports.** Respondent, during the period of probation,  
20 shall submit or cause to be submitted such written reports/declarations and verification of actions  
21 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
22 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
23 Program. Respondent shall immediately execute all release of information forms as may be  
24 required by the Board or its representatives.

25 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
26 state and territory in which she has a registered nurse license.

27 ~~5011 6.550~~ **Function as a Registered Nurse.** Respondent, during the period of  
28 probation, shall engage in the practice of registered nursing in California for a minimum of 24

1 hours per week for 6 consecutive months or as determined by the Board.

2 For purposes of compliance with the section, "engage in the practice of registered nursing"  
3 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
4 non-direct patient care position that requires licensure as a registered nurse.

5 The Board may require that advanced practice nurses engage in advanced practice nursing  
6 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

7 If Respondent has not complied with this condition during the probationary term, and  
8 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
9 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
10 extension of Respondent's probation period up to one year without further hearing in order to  
11 comply with this condition. During the one year extension, all original conditions of probation  
12 shall apply.

13 **7. Employment Approval and Reporting Requirements.** Respondent shall  
14 obtain prior approval from the Board before commencing or continuing any employment, paid or  
15 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
16 performance evaluations and other employment related reports as a registered nurse upon request  
17 of the Board.

18 Respondent shall provide a copy of this Decision to her employer and immediate  
19 supervisors prior to commencement of any nursing or other health care related employment.

20 In addition to the above, Respondent shall notify the Board in writing within seventy-two  
21 (72) hours after she obtains any nursing or other health care related employment. Respondent  
22 shall notify the Board in writing within seventy-two (72) hours after she is terminated or  
23 separated, regardless of cause, from any nursing, or other health care related employment with a  
24 full explanation of the circumstances surrounding the termination or separation.

25 **8. Supervision.** Respondent shall obtain prior approval from the Board  
26 regarding Respondent's level of supervision and/or collaboration before commencing or  
27 continuing any employment as a registered nurse, or education and training that includes patient  
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1 care.

2 Respondent shall practice only under the direct supervision of a registered nurse in good  
3 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
4 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
5 approved.

6 Respondent's level of supervision and/or collaboration may include, but is not limited to the  
7 following:

8 (a) Maximum - The individual providing supervision and/or collaboration is present in  
9 the patient care area or in any other work setting at all times.

10 (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
11 care unit or in any other work setting at least half the hours Respondent works.

12 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
13 person communication with Respondent at least twice during each shift worked.

14 (d) Home Health Care - If Respondent is approved to work in the home health care  
15 setting, the individual providing supervision and/or collaboration shall have person-to-person  
16 communication with Respondent as required by the Board each work day. Respondent shall  
17 maintain telephone or other telecommunication contact with the individual providing supervision  
18 and/or collaboration as required by the Board during each work day. The individual providing  
19 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
20 patients' homes visited by Respondent with or without Respondent present.

21 9. **Employment Limitations.** Respondent shall not work for a nurse's  
22 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a  
23 traveling nurse, or for an in-house nursing pool.

24 Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
25 registered nursing supervision and other protections for home visits have been approved by the  
26 Board. Respondent shall not work in any other registered nursing occupation where home visits  
27 are required.  
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1 Respondent shall not work in any health care setting as a supervisor of registered nurses.  
2 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
3 and/or unlicensed assistive personnel on a case-by-case basis.

4 Respondent shall not work as a faculty member in an approved school of nursing or as an  
5 instructor in a Board approved continuing education program.

6 Respondent shall work only on a regularly assigned, identified and predetermined  
7 worksite(s) and shall not work in a float capacity.

8 If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
9 request documentation to determine whether there should be restrictions on the hours of work.

10 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall  
11 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later  
12 than six months prior to the end of her probationary term.

13 Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
14 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
15 above required course(s). The Board shall return the original documents to Respondent after  
16 photocopying them for its records.

17 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with  
18 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
19 amount of \$1,510.00. Respondent shall be permitted to pay these costs in a payment plan  
20 approved by the Board, with payments to be completed no later than three months prior to the end  
21 of the probation term.

22 If Respondent has not complied with this condition during the probationary term, and  
23 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
24 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
25 extension of Respondent's probation period up to one year without further hearing in order to  
26 comply with this condition. During the one year extension, all original conditions of probation  
27 will apply.  
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1                   12.     **Violation of Probation.** If Respondent violates the conditions of her  
2 probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside  
3 the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

4                   If during the period of probation, an accusation or petition to revoke probation has been  
5 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
6 an accusation or petition to revoke probation against Respondent's license, the probationary  
7 period shall automatically be extended and shall not expire until the accusation or petition has  
8 been acted upon by the Board.

9                   13.     **License Surrender.** During Respondent's term of probation, if she ceases  
10 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
11 probation, Respondent may surrender her license to the Board. The Board reserves the right to  
12 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
13 take any other action deemed appropriate and reasonable under the circumstances, without further  
14 hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no  
15 longer be subject to the conditions of probation.

16                   Surrender of Respondent's license shall be considered a disciplinary action and shall  
17 become a part of Respondent's license history with the Board. A registered nurse whose license  
18 has been surrendered may petition the Board for reinstatement no sooner than the following  
19 minimum periods from the effective date of the disciplinary decision:

20                   (1)     Two years for reinstatement of a license that was surrendered for any reason other  
21 than a mental or physical illness; or

22                   (2)     One year for a license surrendered for a mental or physical illness.

23                   14.     **Physical Examination.** Within 45 days of the effective date of this  
24 decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or  
25 physician assistant, who is approved by the Board before the assessment is performed, submit an  
26 assessment of Respondent's physical condition and capability to perform the duties of a registered  
27 nurse, including a determination as set forth below in Condition 16, "Rule-Out Substance Abuse  
28 Assessment." Such an assessment shall be submitted in a format acceptable to the Board. If

1 medically determined, a recommended treatment program will be instituted and followed by  
2 Respondent with the physician, nurse practitioner, or physician assistant providing written reports  
3 to the Board on forms provided by the Board.

4 If Respondent is determined to be unable to practice safely as a registered nurse, the  
5 licensed physician, nurse practitioner, or physician assistant making this determination shall  
6 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
7 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall  
8 immediately cease practice and shall not resume practice until notified by the Board. During this  
9 period of suspension, Respondent shall not engage in any practice for which a license issued by  
10 the Board is required until the Board has notified Respondent that a medical determination  
11 permits Respondent to resume practice. This period of suspension will not apply to the reduction  
12 of this probationary time period.

13 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
14 requirement, Respondent shall immediately cease practice and shall not resume practice until  
15 notified by the Board. This period of suspension will not apply to the reduction of this  
16 probationary time period. The Board may waive or postpone this suspension only if significant,  
17 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
18 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
19 Only one such waiver or extension may be permitted

20 15. **Mental Health Examination.** Respondent shall, within 45 days of the  
21 effective date of this decision, have a mental health examination including psychological testing  
22 as appropriate to determine his/her capability to perform the duties of a registered nurse,  
23 including a determination as set forth below in Condition 16, "Rule-Out Substance Abuse  
24 Assessment." The examination will be performed by a psychiatrist, psychologist or other  
25 licensed mental health practitioner approved by the Board. The examining mental health  
26 practitioner will submit a written report of that assessment and recommendations to the Board.  
27 All costs are the responsibility of the respondent. Recommendations for treatment, therapy or  
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1 counseling made as a result of the mental health examination will be instituted and followed by  
2 the respondent.

3 If Respondent is determined to be unable to practice safely as a registered nurse, the  
4 licensed mental health care practitioner making this determination shall immediately notify the  
5 Board and respondent by telephone, and the Board shall request that the Attorney General's office  
6 prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
7 practice and may not resume practice until notified by the Board. During this period of  
8 suspension, respondent shall not engage in any practice for which a license issued by the Board is  
9 required, until the Board has notified respondent that a mental health determination permits  
10 respondent to resume practice. This period of suspension will not apply to the reduction of this  
11 probationary time period.

12 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
13 requirement, respondent shall immediately cease practice and shall not resume practice until  
14 notified by the Board. This period of suspension will not apply to the reduction of this  
15 probationary time period. The Board may waive or postpone this suspension only if significant,  
16 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
17 by the respondent to obtain the assessment, and a specific date for compliance must be provided.  
18 Only one such waiver or extension may be permitted.

19 16. **Rule Out Substance Abuse Assessment.** If the examiner conducting the  
20 physical and/or mental examination determines that Respondent is dependent upon drugs or  
21 alcohol, or has problems with drugs or alcohol (i.e. drug dependence in remission or alcohol  
22 dependence in remission) that might reasonably affect the safe practice of nursing, then  
23 Respondent must further comply with the following additional terms and conditions of probation:

24 (A) **PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR**  
25 **CHEMICAL DEPENDENCE.** Respondent, at her expense, shall successfully complete during  
26 the probationary period or shall have successfully completed prior to commencement of probation  
27 a Board-approved treatment/rehabilitation program of at least six months duration. As required,  
28 reports shall be submitted by the program on forms provided by the Board. If Respondent has not

1 completed a Board-approved treatment/rehabilitation program prior to commencement of  
2 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in  
3 a program. If a program is not successfully completed within the first nine months of probation,  
4 the Board shall consider Respondent in violation of probation.

5 Based on Board recommendation, each week Respondent shall be required to attend at least  
6 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,  
7 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.  
8 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be  
9 added. Respondent shall submit dated and signed documentation confirming such attendance to  
10 the Board during the entire period of probation. Respondent shall continue with the recovery plan  
11 recommended by the treatment/rehabilitation program or a licensed mental health examiner  
12 and/or other ongoing recovery groups.

13 (B) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS.

14 Respondent shall completely abstain from the possession, injection or consumption by any route  
15 of all controlled substances and all psychotropic (mood altering) drugs, including alcohol, except  
16 when the same are ordered by a health care professional legally authorized to do so as part of  
17 documented medical treatment. Respondent shall have sent to the Board, in writing and within  
18 fourteen (14) days, by the prescribing health professional, a report identifying the medication,  
19 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the  
20 medication will no longer be required, and the effect on the recovery plan, if appropriate.

21 Respondent shall identify for the Board a single physician, nurse practitioner or physician  
22 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and  
23 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-  
24 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report  
25 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances  
26 considered addictive have been prescribed, the report shall identify a program for the time limited  
27 use of any such substances.

1 The Board may require the single coordinating physician, nurse practitioner, or physician  
2 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive  
3 medicine.

4 (C) SUBMIT TO TESTS AND SAMPLES. Respondent, at her expense, shall  
5 participate in a random, biological fluid testing or a drug screening program which the Board  
6 approves. The length of time and frequency will be subject to approval by the Board.  
7 Respondent is responsible for keeping the Board informed of Respondent's current telephone  
8 number at all times. Respondent shall also ensure that messages may be left at the telephone  
9 number when she is not available and ensure that reports are submitted directly by the testing  
10 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately  
11 to the Board by the program and Respondent shall be considered in violation of probation.

12 In addition, Respondent, at any time during the period of probation, shall fully cooperate  
13 with the Board or any of its representatives, and shall, when requested, submit to such tests and  
14 samples as the Board or its representatives may require for the detection of alcohol, narcotics,  
15 hypnotics, dangerous drugs, or other controlled substances.

16 If Respondent has a positive drug screen for any substance not legally authorized and not  
17 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
18 files a petition to revoke probation or an accusation, the Board may suspend Respondent from  
19 practice pending the final decision on the petition to revoke probation or the accusation. This  
20 period of suspension will not apply to the reduction of this probationary time period.

21 If Respondent fails to participate in a random, biological fluid testing or drug screening  
22 program within the specified time frame, Respondent shall immediately cease practice and shall  
23 not resume practice until notified by the Board. After taking into account documented evidence  
24 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may  
25 suspend Respondent from practice pending the final decision on the petition to revoke probation  
26 or the accusation. This period of suspension will not apply to the reduction of this probationary  
27 time period.

1 (D) THERAPY OR COUNSELING PROGRAM. Respondent, at her expense, shall  
2 participate in an on-going counseling program until such time as the Board releases her from this  
3 requirement and only upon the recommendation of the counselor. Written progress reports from  
4 the counselor will be required at various intervals.

5 ACCEPTANCE

6 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
7 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated  
8 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
9 bound by the Decision and Order of the Board of Registered Nursing.

10  
11 DATED: 5/27/11

Marie Elizabeth Lasater

MARIE ELIZABETH LASATER  
Respondent

13  
14 ENDORSEMENT

15 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
16 submitted for consideration by the Board of Registered Nursing of the Department of Consumer  
17 Affairs.

18  
19 Dated: 6/1/11

Respectfully submitted,

20 KAMALA D. HARRIS  
Attorney General of California  
21 DIANN SOKOLOFF  
Supervising Deputy Attorney General

22 Susana A. Gonzales  
23 SUSANA A. GONZALES  
24 Deputy Attorney General  
Attorneys for Complainant

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27  
28 SF2010900519  
90191281.doc

**Exhibit A**

**Accusation No. 2011-686**

2011-686  
2011-686

2011-686  
2011-686



1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SUSANA A. GONZALES  
Deputy Attorney General  
4 State Bar No. 253027  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2221  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

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9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

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Case No. *2011-686*

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16 **MARIE ELIZABETH GARLAND**  
17 **14786 HWY 63**  
18 **Licking, MO 65542-8274**  
19 **Registered Nurse License No. 436499**

**A C C U S A T I O N**

Respondent.

20 Complainant alleges:

**PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
23 Consumer Affairs.

24 2. On or about March 31, 1989, the Board of Registered Nursing issued Registered  
25 Nurse License Number 436499 to Marie Elizabeth Lasater, also known as Marie Elizabeth  
26 McCoy, also known as Marie Elizabeth Schnieber, also known as Marie Elizabeth Garland  
27 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to  
28 the charges brought in this Accusation and will expire on March 31, 2011, unless renewed.

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1       “(b) Procuring his or her certificate or license by fraud, misrepresentation, or mistake.

2       ...

3       “(e) Making or giving any false statement or information in connection with the application  
4 for issuance of a certificate or license.”

5                               DRUGS

6       8.    “Fentanyl,” also known by the brand name Sublimaze, is a strong analgesic,  
7 pharmacodynamically similar to merperdine and morphine. It is used preoperatively, during  
8 surgery and in the immediate postoperative period. Among other applications, the drug may be  
9 used in the management of breakthrough cancer pain. Fentanyl and Fentanyl citrate preparations  
10 are Schedule II controlled substances as designated by California Health and Safety Code section  
11 11055, subdivision (c)(8), and a dangerous drug within the meaning of Code section 4022.

12                               COST RECOVERY

13       9.    Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
14 administrative law judge to direct a licentiate found to have committed a violation or violations of  
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
16 enforcement of the case.

17                               FIRST CAUSE FOR DISCIPLINE  
18                               (Unprofessional Conduct – Out of State Discipline)  
19                               (Bus. & Prof. Code §2761(a)(4))

20       10.   Respondent has subjected her registered nurse license to disciplinary action under  
21 Code section 2761, subdivision (a)(4), in that on or about September 19, 2008, in a disciplinary  
22 action before the State Board of Nursing for the State of Missouri (Missouri Board), the Missouri  
23 Board entered a Disciplinary Order (Order) placing Respondent’s registered nurse license on  
24 probation for five years. During the period of her probation, Respondent was required to:  
25 (1) meet with the Missouri Board upon request; (2) immediately submit documents showing  
26 compliance with the Order at the request of the Missouri Board; (3) inform the Missouri Board  
27 within 10 days of any change of address or home telephone number; (4) not violate the Nursing  
28 Practice Act, renew her license, and not allow her license to lapse; (5) inform the Missouri Board

1 of her current place of employment and of any changes in her place of employment within 10  
2 working days; (6) immediately advise all current and future employers of the probationary status  
3 of her license and provide a copy of the Order to such employer; (7) cause each employer to  
4 submit a quarterly evaluation form; (8) if Respondent ends employment with an employer, cause  
5 that employer to submit a final evaluation form within six weeks of Respondent's last day of  
6 employment; (9) if unemployed during the period of probation, submit an affidavit stating the  
7 period(s) of unemployment; (10) not serve on the administrative staff, as a member of the faculty,  
8 or as a preceptor at any accredited school of professional or practical nursing; (11) obey all  
9 federal, state, and local laws, and all rules and regulations governing the practice of nursing in the  
10 State of Missouri; (12) not carry narcotic keys or have access to automated dispensing devices  
11 which contain controlled substances; (13) not administer, possess, dispense, or otherwise have  
12 access to controlled substances; (14) only work as a nurse where there is on-site supervision by  
13 another nurse or physician; (15) not work for a temporary employment agency or as an  
14 independent contractor; and (16) not work in a home health care or durable medical equipment.

15 11. The Order also required Respondent to undergo a thorough evaluation for chemical  
16 dependency by a licensed chemical dependency professional within six weeks from the effective  
17 date of the Order. The Order required Respondent to cause the chemical dependency professional  
18 to mail the results of the evaluation directly to the Missouri Board. If the chemical dependency  
19 professional did not recommend treatment, Respondent was required to: (1) execute a release so  
20 that the Board could obtain the evaluation and supporting documents; (2) abstain completely from  
21 the use or consumption of alcohol; (3) abstain completely from the personal use or possession of  
22 any controlled substance or other drug for which a prescription is required, unless prescribed to  
23 Respondent; (4) execute a medical release upon request; and (5) provide the Missouri Board with  
24 documentation of any prescription upon request. If treatment was recommended by the chemical  
25 dependency professional, the Order required Respondent to: (1) follow any recommendations for  
26 treatment made by the chemical dependency professional; (2) submit quarterly updates of  
27 treatment evaluation from the chemical dependency professional; (3) abstain completely from the  
28 use or consumption of alcohol; (4) abstain completely from the personal use or possession of any

1 controlled substance or other drug for which a prescription is required, unless prescribed to  
2 Respondent; (5) execute a medical release upon request; (6) inform any professional preparing a  
3 prescription for her that she is chemically dependent; (7) provide the Board with documentation  
4 of any prescription upon request; (8) if a 12-step program or other support group was  
5 recommended, submit evidence of weekly (or recommended) attendance at such group meetings;  
6 and (9) if Respondent's treatment is successfully completed at any time during the period covered  
7 by the Order, cause the chemical dependency professional to submit a letter of final evaluation or  
8 summary.

9 12. Regardless of whether treatment was recommended or not, the Order also required  
10 Respondent to: (1) contract with the Missouri Board-approved third party administrator (TPA) to  
11 schedule random and witnessed screening for alcohol and other drugs of abuse or serum  
12 screening for alcohol or other drugs; (2) complete TPA's urine drug screen packet within 20 days  
13 of the effective date of the Order; and (3) within six weeks from the effective date of the Order,  
14 undergo a thorough evaluation performed by a licensed mental health professional and cause the  
15 mental health professional to mail the results of the evaluation directly to the Missouri Board. If  
16 the mental health professional did not recommend treatment, the Order required Respondent to  
17 adhere to the same conditions as if the chemical dependency professional did not recommend  
18 treatment. If the mental health professional recommended treatment, Respondent was required to  
19 adhere to the same conditions as if the chemical dependency professional recommended  
20 treatment.

21 13. The underlying conduct supporting the Missouri Board's disciplinary action is that on  
22 or about May 20, 2008, Respondent entered a Settlement Agreement with the Missouri Board  
23 admitting to various acts of unprofessional conduct, which supported discipline of her Missouri  
24 registered nurse license. Specifically, Respondent admitted that on or about September 23, 2005,  
25 while working as a registered nurse at Barnes Jewish Hospital in St. Louis, Missouri, she was  
26 requested to submit to a for-cause drug screen. Respondent tested positive for Fentanyl.  
27 Respondent admitted that on or about September 23, 2005, she misappropriated the Fentanyl from  
28 her employer.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 436499, issued to Marie  
5 Elizabeth Lasater, also known as Marie Elizabeth McCoy, also known as Marie Elizabeth  
6 Schnieber, also known as Marie Elizabeth Garland;

7 2. Ordering Marie Elizabeth Lasater, also known as Marie Elizabeth McCoy, also  
8 known as Marie Elizabeth Schnieber, also known as Marie Elizabeth Garland to pay the Board of  
9 Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
10 pursuant to Business and Professions Code section 125.3;

11 3. Taking such other and further action as deemed necessary and proper.  
12  
13

14 DATED: February 7, 2011

Louise R. Bailey  
15 LOUISE R. BAILEY, M.Ed., RN  
16 Executive Officer  
17 Board of Registered Nursing  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant  
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